

CLERK U.S. BANKRUPTCY COURT
DISTRICT OF OREGON

MAR 01 2007

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IN THE UNITED STATES BANKRUPTCY COURT
DISTRICT OF OREGON

In Re)	
)	
Roman Catholic Archbishop of Portland in)	Case No. 04-37154-elp11
Oregon, and successors, a corporation sole,)	Chapter 11
dba the Archdiocese of Portland in Oregon,)	
)	
Debtor.)	<u>ORDER OF PROCEDURE</u>
)	

JONES, Judge:

This estimation proceeding will commence in open court on March 13, 2007, at 9:00 a.m. before an advisory jury and the proceedings will be reported. The gag order by Judges Hogan and Velure remains in effect. The jurors will have previously completed an anonymous questionnaire, which is available to trial counsel (see Exhibit A, attached). Any trial counsel may challenge any prospective juror for cause. There will be no peremptory challenges and the court will make the final decision as to the membership of the trial jury. All other claimants with pending trials shall be excluded from the courtroom and all witnesses to testify shall be excluded under Federal Rule of Evidence 615.

The parties may make an opening statement. Plaintiff has the option of testifying by identification with initials only. A plaintiff may present no more than two expert witnesses, which may be presented with live testimony in summary form, in written summary form, or may elect not to call any expert witness. The plaintiff may present no more than two brief lay witnesses. The defense may cross-examine each witness after the direct testimony. Any rebuttal shall be brief, either by live testimony or written summary.

The defense may elect to call any witnesses whose testimony is relevant to the defense of the issues to be presented to the jury. The list of witnesses and a very brief summary of what the witness is going to be testifying about will be submitted by this Friday, March 2, 2007. No jury instructions are required at this time.

It is contemplated that there will be two cases tried per day, but the parties are not restricted to allocating one-half day to each case. The Federal Rules of Evidence will not apply, but counsel is expected to present reliable and relevant evidence to the court. The court will instruct the jury prior to closing arguments and will submit a verdict form which will identify the issues to be decided by the jury.

The deliberations shall not exceed one hour and the jury need not be unanimous.

After the jury has reached a verdict and the court has received the verdict, counsel will be given the privilege to separately and briefly interview, out of the presence of the court, those jurors who will not participate in any other cases, with plaintiffs proceeding first. The jury verdicts will not be revealed to the public until the end of all of the proceedings, but may be discussed among the lawyers and clients without disclosure to anyone else.

This estimation jury trial shall be conducted on the issue of compensatory damages and


defenses, not including statute of limitations issues.

Requests for punitive damages will be bifurcated and decided solely by the court on written submissions. Written submissions on punitive damages shall be submitted under seal by the plaintiffs by March 6, 2007; the defendants shall submit written submissions on punitive damages under seal by 12:00 noon, March 9, 2007. Amendments to the submissions may be made at the end of the proceedings if indicated by the trial proceedings.

After completion of all jury matters and examination of written materials submitted, the court will make a public record of appropriate findings and conclusions, including a final estimation of the value of each individual claim adjudicated in this proceeding.

IT IS SO ORDERED.

DATED this 28th day of February, 2007.



ROBERT E. JONES
U.S. District Judge

PLEASE COMPLETE AND PLACE IN THE
MAIL FOR RETURN WITHIN 24 HOURS.

NAME: ANONYMOUS

JUROR NO.: _____

In the event you are chosen to serve on a jury involving child sexual abuse, would you please answer these confidential questions:

1. What is your religion? (e.g., Catholic, Protestant, other religion, none) _____
2. Are you an active member of any religious organization or church? _____
3. Please list each of the jobs you have had in the past ten years (including self-employment) beginning with your current or most recent employment.

Dates of Employment	Employer	Title/Position

4. Have you, or has anyone close to you, ever had any education, training, or job-related experience that has taught you anything about any of the following fields:

Area	You	Anyone Close to You
a. Law, courts, criminal justice, or the legal system?	<input type="checkbox"/> yes <input type="checkbox"/> no	<input type="checkbox"/> yes <input type="checkbox"/> no
b. Psychiatry, psychology, counseling, or mental health?	<input type="checkbox"/> yes <input type="checkbox"/> no	<input type="checkbox"/> yes <input type="checkbox"/> no
c. Social work, social services, CPS (Child Protective Services), or DSHS (Dept. Social Health Services)?	<input type="checkbox"/> yes <input type="checkbox"/> no	<input type="checkbox"/> yes <input type="checkbox"/> no
d. Pediatrics, medicine, or nursing?	<input type="checkbox"/> yes <input type="checkbox"/> no	<input type="checkbox"/> yes <input type="checkbox"/> no
e. Ministry or theology?	<input type="checkbox"/> yes <input type="checkbox"/> no	<input type="checkbox"/> yes <input type="checkbox"/> no
f. Child abuse and/or Sexual abuse?	<input type="checkbox"/> yes <input type="checkbox"/> no	<input type="checkbox"/> yes <input type="checkbox"/> no
g. Elementary education, child development, or day care?	<input type="checkbox"/> yes <input type="checkbox"/> no	<input type="checkbox"/> yes <input type="checkbox"/> no

Please explain any "yes" answers to the questions above:

- a. _____
- b. _____
- c. _____
- d. _____

- e. _____
 f. _____
 g. _____

5. Have you, or has anyone close to you, ever had any of the following experiences:

Experience		You	Anyone Close to You
a.	Been a victim of sexual abuse or assault?	<input type="checkbox"/> yes <input type="checkbox"/> no	<input type="checkbox"/> yes <input type="checkbox"/> no
b.	Been a victim of physical abuse?	<input type="checkbox"/> yes <input type="checkbox"/> no	<input type="checkbox"/> yes <input type="checkbox"/> no
c.	Been accused of sexual or physical abuse?	<input type="checkbox"/> yes <input type="checkbox"/> no	<input type="checkbox"/> yes <input type="checkbox"/> no
d.	Been involved with any group or organization that deals with sex abuse?	<input type="checkbox"/> yes <input type="checkbox"/> no	<input type="checkbox"/> yes <input type="checkbox"/> no
e.	Worked or volunteered at a government or private agency that deals with abused persons?	<input type="checkbox"/> yes <input type="checkbox"/> no	<input type="checkbox"/> yes <input type="checkbox"/> no

Please explain any "yes" answers from the previous question:

- a. _____
 b. _____
 c. _____
 d. _____
 e. _____

6. Have you or anyone close to you ever received treatment from a psychologist, psychiatrist, religious counselor, or other mental health professional?

☐ Yes ☐ No

If "yes," what was the purpose of the treatment? (Check all that apply)

- ☐ Sexual abuse, assault, or molestation
☐ Physical abuse
☐ Alcoholism or substance abuse
☐ Depression
☐ Suicide
☐ Other: _____

7. How closely have you followed the news regarding the current allegations of sex abuse against religious entities or clergy nationally or locally?

- ☐ Very closely
☐ Somewhat closely
☐ Not too closely
☐ Not at all

8. Have you formed any opinions regarding allegations of sex abuse against religious entities or clergy?

☐ Yes ☐ No

If "yes," please explain:

9. Do you have any preconceived opinion as to the credibility of:

- a. Clergy _____
- b. Alleged sex abuse victims _____
- c. Psychotherapists _____

10. Do you have any preconceived opinion about awarding or declining damages for emotional or psychological injury? If yes, please explain: _____

11. Have you ever served on a jury before?

☐ Yes ☐ No

If YES, did you serve on: ☐ Criminal case? Type(s): _____
☐ Civil case? Type(s): _____

Have you ever served as Presiding Juror? ☐ Yes ☐ No

12. Have you, or has anyone close to you, ever had any education, training, or job-related experience that has taught you anything about any of the following fields:

Area		You	Anyone Close to You
a.	Law, courts, criminal justice, or the legal system?	<input type="checkbox"/> yes <input type="checkbox"/> no	<input type="checkbox"/> yes <input type="checkbox"/> no
b.	Psychiatry, psychology, counseling, or mental health?	<input type="checkbox"/> yes <input type="checkbox"/> no	<input type="checkbox"/> yes <input type="checkbox"/> no
c.	Social work, social services, CPS (Child Protective Services), or DSHS (Dept. Social Health Services)?	<input type="checkbox"/> yes <input type="checkbox"/> no	<input type="checkbox"/> yes <input type="checkbox"/> no

d.	Pediatrics, medicine, or nursing?	<input type="checkbox"/> yes <input type="checkbox"/> no	<input type="checkbox"/> yes <input type="checkbox"/> no
e.	Ministry or theology?	<input type="checkbox"/> yes <input type="checkbox"/> no	<input type="checkbox"/> yes <input type="checkbox"/> no
f.	Child abuse and/or Sexual abuse?	<input type="checkbox"/> yes <input type="checkbox"/> no	<input type="checkbox"/> yes <input type="checkbox"/> no
g.	Elementary education, child development, or day care?	<input type="checkbox"/> yes <input type="checkbox"/> no	<input type="checkbox"/> yes <input type="checkbox"/> no

Please explain any "yes" answers to the questions above:

a. _____

b. _____

c. _____

d. _____

e. _____

f. _____

g. _____

13. Have you, or has anyone close to you, ever:

Experience		You	Anyone Close to You
a.	Been a plaintiff in a lawsuit, or filed a claim against an individual or entity?	<input type="checkbox"/> yes <input type="checkbox"/> no	<input type="checkbox"/> yes <input type="checkbox"/> no
b.	Been a defendant in a lawsuit, or had a legal claim filed against you/them?	<input type="checkbox"/> yes <input type="checkbox"/> no	<input type="checkbox"/> yes <input type="checkbox"/> no
c.	Had a negative experience with a minister, priest, rabbi, church, or other religious organization?	<input type="checkbox"/> yes <input type="checkbox"/> no	<input type="checkbox"/> yes <input type="checkbox"/> no
d.	Conducted or helped conduct worship services/instruction?	<input type="checkbox"/> yes <input type="checkbox"/> no	<input type="checkbox"/> yes <input type="checkbox"/> no

Please explain any "Yes" answers from the previous question:

a. _____

b. _____

c. _____

d. _____

14. Do you have a job, child care or other valid reason you could not sit as a juror for not more than two days during March 13-16 or March 19-21? Please mark available days.

15. Do you have any reason why you could not be a fair and open minded juror? _____
